

14

GOV. JOSEPH M. BROWN'S SPEECH
AT ATLANTA, OCTOBER 29th, 1912 ON
"THE SUPREMACY OF THE LAW"

"PROTECTION TO PERSON AND
PROPERTY IS THE PARAMOUNT
DUTY OF GOVERNMENT, AND
SHALL BE IMPARTIAL AND
COMPLETE."—CONSTITUTION OF
THE STATE OF GEORGIA

The speech of Governor Brown herein printed was delivered by him at Atlanta, Ga., October 29th, 1912, and was published in part in Georgia papers several days later.

The position taken attracted such widespread attention that requests for copies of the speech came from nine states other than Georgia, besides which there were a multitude of like requests from within the State of Georgia.

Under these conditions, members of Governor Brown's staff and other prominent gentlemen have asked consent to publish the speech in its entirety. This request the Governor has acceded to. The change in the speech as delivered and as published consists in the quotation in full of sections of the Code of Georgia and of the proposed proclamation, to which mere allusions were made in the speech as delivered, the latter being extemporaneous, inasmuch as Governor Brown did not know until members of his staff came to escort him that he would be expected to make any formal remarks.

When the State Charters a Public Utility She not only Permits but She Commands its Operation for the Benefit of All the People; and Whoever Prevents such Operation, thereby Impeding Public Travel and Paralyzing the Public's Commerce, Puts Himself in Rebellion to the Law, and Will Be Dealt With Accordingly.

When the State Commands She Will Protect All Who Obey.

She has no "Preferred Creditors." All are on the Same Level in Their Obligation to Obey and Her Obligation to Protect.

The Judges are Elected by the People, the Juries are Selected from the People. Why should "Strikers" be allowed to Ignore the Courts wherein the Differences of All Others are Adjudicated?

It is the Poor Who are Hurt by a Railroad "Strike." The Rich Can Take Care of Themselves.

"The Military is the Last Resort. Its Duty Does Not Begin Until the Power of the Civil Authority is Exhausted." But When It is Needed It Can and Will Uphold the Laws and Maintain the Majesty of the State.

THE SUPREMACY OF THE LAW.

Fellow Citizens:

A State is great in proportion as her laws are just, and strong in proportion as her laws are enforced. And conversely, a State which knowingly tolerates within its borders the elements of disregard of law or acts in defiance of law is a training school of anarchy, hence a menace to Christianity and civilization.

Law in its analysis is but applied justice. I do not apotheosize the laws of Georgia. They were made by men, and may in part be imperfect; but I do say they were enacted with the intention of protecting life and property and promoting the happiness of her people. Hence a defective law—if it be defective—is better than no law, and that people is most to be praised which is characterized by respect for, obedience to, and enforcement of, law.

The laws of Georgia are made by the general assembly representing 146 counties, and cannot be set aside by any other authority. Those who are clothed with the responsibility of executing them are not amenable to mass meetings composed of a part of the people of one county or even of a hundred counties. Nor are they under the coercion or control of gallery demonstrations, newspaper editorials or letters from influential citizens who differ with the makers of the statute. The statute, not the demand of individuals, must be obeyed. To sworn officials "we, the people," speak not except in the statute.

POWER OF STATE SUPREME.

The power of the State of Georgia, it is needless to say, is supreme in her own confines; and yet, with all her power, the forbearance of the State within the recent past has afforded an object lesson which was the repetition of one upwards of three years ago, but which it is safe to say she will never permit to be repeated.

I refer to the strike of some of the trainmen on the Georgia Railroad. I had not intended to make any mention of this occurrence at this time, but the references to it by the toastmaster probably demand that the State's future policy be definitely outlined.

It is well known that the management of the Georgia Railroad dismissed from its service one of its conductors and one of its flagmen. Following this, all the conductors and all the flagmen, save, possibly those on the Washington branch, "struck," or refused to work. The total number of the strikers, I am informed, was about two hundred and fifty.

The management hired other men and attempted to operate some of the trains. These men were beset by mobs, who made themselves the fighting partners of the strikers, at the terminal stations and at some local points, and were violently beaten or otherwise driven from service. These mobs, too cowardly to lift hands wherever the authority of the law made the slightest show, dared to attack only the weak and unprotected. At one station a single citizen, facing hundreds of these doers of vio-

lence in the name of the law, drove them from their brutal work and caused the train to proceed. Hence, except on the Washington branch, on which it was protected by the authorities, the road was unable to perform the functions of a common carrier for about two weeks, during which upwards of 400,000 of the people of Georgia, who are dependent wholly or in part upon this road for the conduct of their commerce and, in many cases, for their supplies of the necessities of life, found their power to travel prostrated and their commerce paralyzed.

WHERE THE BURDEN WAS BORNE.

No part had they in this difference, no blame could be imputed to them by either side to it; yet upon them fell the inconvenience, the danger, the loss.

Farmers who had notes to pay with cotton could not ship the cotton, manufacturers could not fill their orders, hence their drafts which were payable on delivery of the goods could not be cashed, with the result that, in some cases, the weekly payment of wages to their employees was held up; traveling men must be paid salaries without being able to make their trips, people at local stations, in some instances lying critically ill, could not secure the service of trained surgeons or physicians. And manifold others in the various walks of life could be added.

WHY THE STATE DELAYED THE EXERCISE OF HER AUTHORITY.

But almost contemporaneously with the notice of the strike was published the statement that Messrs. Neill and Knapp would come down from Washington to endeavor to effect a settlement by arbitration. Under these conditions the authorities of the State withheld any exercise of the State's power for the time.

Days of delay and increasing privation to the people and of added expense in securing the mails and needful supplies dragged along.

THREAT OF GREATER DISASTER TO THE PUBLIC.

At length a new complication arose which brought the threat that an order would be issued for a sympathetic strike by the trainmen on the Nashville, Chattanooga & St. Louis Railway, the Louisville & Nashville Railroad, the Atlanta & West Point Railroad, and the Atlanta, Birmingham & Atlantic Railroad.

It was stated in the afternoon papers, Friday a week ago, that an ultimatum would be issued to the foregoing named railroads, which, if not yielded to, would bring on the general strike.

Now, what was the complication to which I have alluded? In brief, it was brought about by a strike by less than fifty of the yardmen of the Atlanta Joint Terminals. These men had a contract with the management of the Terminals, wherein each party bound itself in law and in honor to certain voluntarily assumed obligations. The last of these obligations was that each party on each side agreed that, in case it wished at any time to withdraw from the joint compact, it would give the other side thirty days' notice before withdrawing.

When the strike on the Georgia Railroad became effective, the yardmen in the same class in the employment of the Atlanta Joint Terminals, without giving the management so much as thirty minutes notice, struck and abandoned the work they were under contract to do.

For the next nineteen hours not a car of perishable freight or freight of any other character could be delivered from any railroad to the owner of the property or to any other railroad between which the transfer service was performed by the Atlanta Joint Terminals.

The Terminals' management had to telegraph to other cities and hire men to come and do the work which these yardmen had contracted to perform, which contract they had broken. And bear in mind that the parties to whom this act of broken faith by these employees was bringing inconvenience, damage and loss were the owners of the property who had offended neither side to the contention.

When negotiations were progressing for ending the strike on the Georgia Railroad, the railroad strikers linked to their demand a demand that the new men hired by the Atlanta Joint Terminals be discharged and the contract-breaking strikers be restored to the jobs they had abandoned. The management of the Terminals refused to do this, calling attention to the obligation of the employees to give it thirty days' notice, to which obligation they had proven faithless, and also to its obligation of honor to protect in employment the new men who were doing the work which the broken pledge of the strikers had forced the Terminals to give to those new men.

It is needless to say that if the management had have "struck" and discharged the men on instant notice, they would have exhausted every expedient in law, by combination, and by stress of public opinion, to have forced it to keep its contract and restore their positions to them. Yet, like spoilt children, they hold that the contract binds the company but not them; that it is binding in law if it works against the company but that it is not even a gentlemen's agreement if it works against the interest or whims of the employees.

And now the proposition was: **"If you do not ratify our act in violating our contract with you for work IN THE RAILROAD YARDS IN THE CITY OF ATLANTA, our associates and allies WILL PARALYZE THE COMMERCE OF THE PEOPLE ON THE RAILROADS RUNNING FROM CHATTANOOGA TO THE ATLANTIC OCEAN, FROM ATLANTA TO MONTGOMERY, FROM CINCINNATI TO NEW ORLEANS."**

That was the threat, Fellow Citizens. No hair-splitting quibbles can obscure it. The laws of the State, the necessities of the public, the obligations of honor in keeping a contract, were jointly and singly to be spurned for the purpose of accomplishing the aims of a union of corporation employees. The condition was as un-American as it was unjust; it was as extraordinary as it was indefensible from any standpoint of reason, of the interests of unoffending myriads, or of public policy.

TIME FOR THE STATE TO TAKE A HAND.

It became manifest, therefore, that it was time for the State to take a hand in the

matter. It had been made clear that there was a "third party to the strike," viz., the public. It was now becoming undisputably in evidence that there was yet another party to the strike, and that was the State of Georgia. More than 400,000 of her people were already crippled. Fully a half million more were threatened with similar unmerited loss. Under the laws, if any two individuals or any two interests become involved in differences which they cannot settle, they are required to take their matter into court. She excepts no one, no class.

Yet here she had the example of two men and their associates who publicly made known the fact that they would take matters into their own hands, would ignore the process of the courts, would place the laws of Georgia under their feet. Others might be forced to resort to the routine of the courts but not they. They would set up an empire within an empire and say to the sovereign power: "We, not you, are supreme within your confines. We do not choose to place ourselves on the level with all other men. **We have an organization which will force a conclusion more quickly than the courts can.** And there is a psychic connection between those who assert our law above the State's law which will work, yea, fight, for us while we wait. More than two hundred thousand farmers in the State must go before the juries to settle their differences, but we don't have to; every editor of a newspaper, every manufacturer or storekeeper or other person who has a difference with another citizen or corporation is **compelled to await the process of the law; but not so with us.** The maxim, 'equal rights to all, special privileges to none' does not apply to the members of our order. You can get your remedies in no other way than through the courts, which confine the results of a quarrel to the parties involved in it; but we have a 'special privilege,' special only to us; **we have a way we have created of accomplishing our will independently of the process prescribed by the State, and in that way we will accomplish it, even though that way brings inconvenience, privation or suffering to tens of thousands of persons who have not offended us, and damage and loss to incalculable amounts OF THEIR PROPERTY,** even though it brings paralysis to the commerce of the State; yea, even though it nullifies the command which the State gave to this railroad when she chartered it, thus **making a mockery of the very sovereign power of the State."**

A SUCCESSFUL RAILROAD STRIKE IS CLASS RULE.

Such was the legal purport of their act, regardless of what may have been the intent causing it. **And the control which they temporarily established in Eastern Georgia was CLASS RULE,** typical class rule; yea, **CLASS DOMINANCE,** which, whether within or without the law, would have its way at the manifest expense of the prosperity, the comforts, the very necessities of all other citizens.

And think a moment of the absurdity of the assumption of rulership over all others by one class, in this case, railroad trainmen! There are 370,000 white men of voting age in Georgia. All the railroad trainmen in the unions number undoubtedly less than 7,000. Of these the combined unions can call to their standards against any other class certainly less than 5,000. As against all the other classes, in an open fight, their strength would quickly go to pieces. It will, therefore, be a sorry day for these union railroad trainmen **when the upwards of 350,000 other citizens of Georgia awaken to the fact that the very necessities of life to them, are made subject to the**

selfish aims of this law-forgetting minority. And the interests of all those other citizens and my obligation to the impartial enforcement of the laws of the State make it my duty to awaken them to this fact upon which rest their very vital needs.

THE BASEWORK OF THE STATE'S POWER AND DUTY.

Now, as the basework of the entire argument which I shall make here tonight, let me quote what has recently been so clearly said:

“The power to fix rates and charges for transportation is an attribute of sovereignty, because in operating a public highway a transportation corporation exercises the power of a sovereign. This power over public highways constructed for public use to accommodate public travel and secure public convenience is a matter of public concern and is absolutely essential to government.”

The common carriers, therefore, being vitally necessary for the prosperity and advancement of the people, this State, like almost every other one, has assumed the power of fixing the rates which these carriers shall charge for the transportation of passengers and property, and exercises general supervision over their facilities and conduct. Hence any person, or combination of persons, who obstructs, intimidates, or otherwise prevents the operation of the common carriers strikes a blow at the interests of the public and puts his, or their, will in conflict with the mandate of the Sovereign.

THE STRIKER THE ENEMY OF THE POOR MAN.

I will here say that there was an amplified and intensified evil in the “strike” which I am describing and condemning which seems to have escaped the notice of the public. I refer to the fact that, while it merely inconvenienced the rich, it threatened to bring, if it did not actually bring, suffering and death to the poor at the way stations on the Georgia Railroad. If a member of a rich man's family, for example, was stricken with diphtheria, meningitis or some other disease requiring the quickest possible attention of a skilled physician, he was able to pay the automobile hire necessary to bring the physician a hundred miles, if needs be, to save life; but, as I have already indicated, if the member of a poor man's family was similarly stricken, he was not able to pay the difference between two and one-half cents per mile of railroad fare, and the hire of an automobile; therefore his wife or child must die. This is no far-fetched instance; it is liable to happen at any or many of the local stations, on any railroad during the progress of a “strike.” And other hardships of diverse natures, such as the stoppage of shipments of food, fuel, ice, etc., are certain to fall upon the poor, during a “strike” which the rich are able to protect themselves against.

Therefore, I say deliberately that, whatever be his intention, by the effect of his act, **the striker on any public service corporation is the enemy of the poor man**, whether he deprive him of the power to take an important trip; or of the service of some one urgently needed; or of the prompt handling of his property; or whether, by suspension of the transportation of coal or other material, the strike shuts down a factory which is paying him wages—and bear in mind that the time so lost, for the labor-

er wastes both working capital (physical strength) and income (wages) whereas, for the proprietor it wastes only income—or whether it suspends the operation of a street car line, requiring him to walk, maybe, several miles when he otherwise could ride for a trifle; or whether it extinguishes the light and leaves him and his family in the darkness, the prey of nefarious characters who can do their work while the police cannot track them, etc. Therefore, it is the striker, who, in his blind recklessness, puts his feet in the bread tray of the poor man, and interferes with or deprives him of the right to live, the cardinal right of humanity.

I know that these declarations of the real conditions are counter to the impressions that interested parties have been making in the past. They have bolstered up their disregard of the laws and the “special privileges” they have exercised of **hurting everybody in order to win their fight against a few**, by creating the impression that theirs is a contest of the masses against the classes, whereas I am showing by all the logic of facts that the actual condition is exactly the reverse of their claim. In other words, **their class has made war upon the masses**, and by reason of that war which strikes a blow at the vital interests of the people and at the laws of the State, the most grievous wrong and most serious damage has been to the poor.

Hence, I call your attention to the fact that the very fundamental principle of the law, yea, of civilization, is the protection of the poor in equality of rights with the rich. The rich, whether the “robber baron” of the Middle Ages, or the plutocrat of the present, has always been able to take care of himself. No statesman could covet a nobler encomium than the truthfully spoken words: “He secured for the poor the same rights enjoyed by the rich.”

WILL THE STATE SUBMIT TO MINORITY RULE WHICH SPURNS HER COURTS?

Now I ask: Is the State of Georgia prepared to submit to the adoption of such a course as is embodied in a “strike” by any of her citizens? Has she any “preferred creditors” in her obligation to protect person and property? Is she willing to concede that she can enforce her laws as to some but that others have a “special privilege” to exercise their choice as to whether they will or will not be bound by her process? I am not drawing it too strongly when I state the case as I have just done, for that is irresistibly the logic of the course recently adopted by the organizations of the conductors and flagmen of the Georgia Railroad and their associates, and by the mobs who exercised the “special privilege” of brutally assaulting the men who, in the interest of the public, were peaceably running the trains during the period of the strike, a “special privilege” which the law forbids any set of persons to have. **And the paradox in the virtual refusal of the employees of the above railroad (and the same rule would hold with those of all other railroads) to let their differences be settled in court is found in the fact that in fully nineteen out of twenty of the cases brought to bar the juries trying them are composed of men more in sympathy with the employees than with the corporation.** And this paradox is all the more glaring and the refusal it embodies is made indefensible by the fact that the judges trying the cases are elected by the people. Therefore, **the virtual contention of the union is that it will not be bound by the procedure ordained by the majority of the people; or, in other words, that its**

members, a very insignificant minority, will, by a combination, rule the majority.

The proposition which is embodied in that contention is too preposterous to be even debated, yet, 400,000 people have had their transportation facilities paralyzed in the object lesson of that contention, and my primal object in the remarks I am making is to place before the entire people of the State the question as to whether they will ever again permit a small bunch of men to prostrate an entire section, or even one county, that they may, with this damage to unoffending thousands, enforce a purpose against rival parties regardless of the courts, which the law requires to be submitted to the arbitrament of the courts.

WHEN THE STATE WILL BE A "STRIKE-BREAKER."

I will here add in terms whose meaning cannot be mistaken, that the State of Georgia, in the application of her laws, knows no difference between unions of employees and so-styled "scabs." If these unions, as aggregations of citizens, will uphold the law which commands the public utilities to be operated that the people may be served thereby, and will put themselves on the level of all other citizens in adjusting through the courts their differences with the companies chartered by the State to operate those public utilities, or with any other corporations chartered by the State, for which their members work, then these unions will justly hold the high approval and merit the cordial thanks of the public; but if such unions defy the laws requiring the operation of the common carriers and prevent the public from having the benefit of such operation, then the State will hold every such union as an obstruction to the progress of organized society and an enemy to law and will act accordingly. In other words, the State will be the "strike-breaker" when a strike does damage to the rights of the general public.

A union, let me say, has many good features. In the fraternal feeling of its members, in co-operation on general lines of policy, in charitable protection of needy or suffering families, and in many other respects it is a genuine benefit. And I go further and cheerfully say that quite probably a majority of the members of any union in Georgia is composed of honest, well-meaning men, unwilling as individuals to wrong any one who has not wronged them. Hence, it is only when such union, led by designing or unskilled chiefs, makes an Esau of itself and blindly raises its hand, as it has recently done, against every other man that it forces every other man, as represented by the State, to a counter course.

WHICH SHALL RULE, COMBINATIONS OR THE LAW?

But why should it be claimed that a citizen acquires any rights in relationship to other citizens, yea, speaking plainly, any right to damage innocent parties, while enforcing his will, when he becomes a member of a union, which he did not possess before he became a member of it, and which all concede no non-union man has? Is the union conductor or flagman any better or more useful citizen, or more necessary to society, than is the non-union farmer, or banker, or preacher, or school teacher, or blacksmith, or dentist, or lawyer, or any other non-union man, even any non-union conductor or flagman? I am not asking these questions with any application to persons, for every

conductor and flagman of the Georgia Railroad whom I have met has treated me with highest courtesy and cordiality, and I am personally his friend; nor am I asking them merely as Joe Brown, the citizen, for as such my voice is no more to be regarded than is that of the humblest laborer in Georgia; but I am asking them as the Executive Officer of the State upon whom the law has placed the duty of using even the militia, if properly called upon, to suppress "any riot, mob, unlawful assembly **OR COMBINATION** to oppose the enforcement of the law **BY INTIMIDATION, FORCE, OR VIOLENCE,**" etc., and whose every utterance in the past has been to the effect that one man is as good as another, so long as both obey the law, and who has taken an oath to execute the Constitution of Georgia, in the very first sentence of which we read: "To perpetuate the principles of free government, insure justice to all, preserve peace, promote the interests and happiness of the citizen," etc.

THE STATE'S DUTY TO PROTECT THE WEAK.

The union, you will bear in mind, represents something powerful, which says it can and will take care of itself—it has certainly assumed to do it, during the past month, in an open and bold manner **which proved its disregard of the law and of the rights and interests of all other citizens;** which proved its belief that its power within the State is superior to the power of the State,—whereas, the so-styled "scab," performing a duty in the interest of the public, which the union has refused to perform, relieving an embarrassment to society **WHICH THE UNION HAS BROUGHT ABOUT,** represents the weak, which needs help; and it is the established right and policy of the State, and I will go further and say it is her duty, to protect the weak who obey the law against the tyranny of the strong, who set themselves against it; and that right she does not intend to abdicate, and from that duty she does not intend to shrink; and, now that the issue of the supremacy of the union or the supremacy of the State, in matters affecting the general rights and interests of the people, has been made, she will not hesitate to enforce the policy I have indicated. Any future assaults upon men who, in a peaceable and orderly manner discharge duties placed by the State on public service corporations, which the unions refuse to discharge, will be accepted by the State as constituting a direct challenge to her authority; for, be it remembered, Georgia stands guard over the humblest man in the peaceable pursuit of any honest occupation, but hesitates not to place the hand of authority heavily upon all, though they be organized thousands, who interfere with the legal rights she has guaranteed to others. She will admit no compromise on this proposition. Equal and impartial justice, impartial and complete protection are the keywords of her government, and in her every mandate these are written.

THE UNION'S RESOURCES FOR CONDUCTING A FIGHT.

Before passing from the power of the unions and their method of warfare which brings inconvenience, embarrassment and loss to the unoffending public, while striking the immediate objects of their ire, I will observe that, during the famous Chicago, Burlington & Quincy Railroad strike a number of years ago, one of the employees in the operating department of the Western & Atlantic Railroad, in Georgia, told me that while that strike lasted his wages were assessed by the union upwards of six dollars

each month to support the strikers on the C. B. & Q., and enable them to whip the employing company.

I have seen it stated in the public press that the average wages of conductors on the main railroads in Georgia is \$135.00 per month, or \$1,620.00 per year. This is equal to 27 bales of cotton at \$60.00 per bale. To this is added the advantage that when these railroad employes and their families ride on their own business they pay no fare, or certainly less than that paid by the general public. No doubt there are upwards of 175,000 farmers in Georgia whose annual income is less than \$1,620.00 each. They, however, pay their fare when they ride. Therefore, if this inequality continues to increase, the farmers may ultimately have to defer to the **Aristocracy of Labor Unions**.

Now, the point I am making here is that, by combination, the conductors of the railroads in Georgia have forced their wages up till the average one has an income as great as has the farmer who raises twenty-seven bales of cotton annually. This gives them enough to support their families with more comforts than the average farmer's family has and leaves them a surplus which can be used as a fighting fund. I do not assert that it was used to support the Georgia Railroad's recent strikers, but I know there is a general impression that this was the case. But in any event it is clear that these union men were in better financial shape than are the average farmers, and that hence there was a material as well as a moral reason why they should not have waged war with their employers in such manner as brought wholesale inconvenience and loss to tens of thousands of other citizens besides putting themselves in insubordination to the law.

THE STRIKER'S METHOD VS. THE LAW'S METHOD.

And what I am objecting to—and that objection I shall insist on declaring at very hazard—is the claim of these strikers that they, in their methods, represent the people; whereas, the people have established the process of law, and the strikers openly ignore that process; the people have named judges and provided for jurors chosen from their own ranks before whom differences must be tried, and the strikers refuse to take their contention into the courts composed of those judges and jurors; the people in their statutes have forbidden any preferential manner of adjusting difficulties, yet a strike, in its very essence, is a preferential manner, and finally, the people have forbidden mob law, whereas, neither by word, by frown nor by act did the strikers discourage or endeavor to suppress the mobs who, with the avowed object of upholding the cause of the strikers, assaulted and cruelly beat the citizens who, in the interest of the public, were performing the service which the strikers had refused to perform.

But the strikers ask: "If we cannot use the process of a strike to get justice in our differences with capital, how can we get justice?" I answer: "Gentlemen, your question manifests a strange unwillingness to place yourselves on the same level with your fellow citizens of every other class. They are required to take their differences into the courts of the State. Why should you be excepted from that requirement? Why do you distrust the judges you help to elect and the jurors who are your fellow citizens?"

THE STRIKER HAS NO VESTED PROPERTY RIGHT IN HIS JOB.

And there is another feature contrary to the very genius of our laws which is embodied in a strike. I refer to the fact that the essence, the very marrow, of a striker's contention, is that he has a property right in his "job." He says that it is his and that nobody else has any claim to it. He and his partners (the union) will defend their mutual right to exclusive ownership of the positions which they hold on other people's property. The company can discharge the president, general manager, division superintendent, traffic officers and agents, and numerous others without giving any reasons. Another company can buy the road and change the entire personnel of its employees except the members of the union; but they maintain that it cannot discharge or interfere with them, that they have a right to be the sole occupants of those positions, and that they will assert their power to prove to the so-called owner that the union is the actual owner, for it is conceded that in law the actual owner ultimately controls. And experience has conclusively proven that the man who attempts to fill a position which one of them has, for a purpose, temporarily vacated lays himself liable to be killed by a mob favoring the union.

Now the Supreme Court of Georgia has decided that a public office is not the property of the incumbent thereof. The electing power owns the office and directly, or through its agent, the appointing power, controls the question as to who shall fill it and how long. By inevitable parity of reasoning, the same status maintains on a public utility corporation chartered to serve the public.

Let us then, at the risk of repetition, go to the root of the matter in point. The owners of the Georgia Railroad, many hundreds in number, cannot come from the four quarters of the land, in mass meeting every day, to collectively attend to the business of operating their property. Therefore, through methods satisfactory to themselves, they have delegated their authority to managing officers. These managing officers of that company represent the owners of the property, just as the executive, legislative and judicial officers represent the people of Georgia; and, that the company can discharge the duties of a common carrier, which the law has placed upon it, these officers employ men to operate the trains, etc. But these trainmen form unions which by all the logic of their acts, assert an ownership of the positions which they were placed to fill for purposes and under conditions specified, and say to the stockholders: "While it is true that we have not invested a dollar in this utility and you have invested millions in it, yet these positions are our property, and we will hold them even against you. No matter what any one of our members may do, even though it be a violation of the law which the United States or the State of Georgia has made for the government of common carriers, no matter whether he be a trained expert—as theoretically he is—or whether he be really a tyro with no qualifications except that he has joined our union, we will not allow you to dispossess him. The position belongs to him, and, law or no law, we will force you to let him keep it."

Can anyone deny that I have stated the case correctly? Is anyone surprised that the railroad building during the past few years, while strikes are ever liable to occur, has failed to keep pace with the progress of agricultural and industrial development?

throughout this republic, with the result that the facilities for conducting commerce may in a few years be short of its needs? I give you the official statistics, viz: From 1900 to 1910 the capital value of agriculture in the United States increased 100.5%, and the capital value of manufactures increased 105.2%, while additional railway facilities were provided at an increase of but 40.2% in the cost of road and equipment. These figures give a warning which cannot be dismissed with a sneer. **And has not labor been the greatest loser in this check in railroad construction?** And in this connection you must bear in mind that even the State cannot force people to build more railroads. It may induce them to do so by giving to the owners of those already built protection, equal to that given to the owners of other kinds of property.

SHALL THE UNION'S WAGES BE GREATER THAN ANY OTHERS?

But, covering the case under review, let me ask: "Is anyone willing to plant his money in an enterprise over which unions of employees will exercise a power of ownership supplanting his? And is it not a fact that **IN THE BRANCHES OF LABOR CONTROLLED BY UNIONS WAGES HAVE INCREASED WITHIN THE PAST FEW YEARS IN GREATER PROPORTION THAN HAS THE RELATIVE INCOME IN ANY OTHER DEPARTMENT OF LIFE?** If this be true, and it certainly seems to be, **IS NOT THE UNION LEVYING A TAX UPON EVERY OTHER MAN?** Are not the railroad companies now applying for consent to increase the rates which all other people pay, giving as their reason that the increased wages which the unions have exacted from them are not leaving the stockholders enough for maintaining their property in condition safe for public travel, with a reasonable amount for dividends? **Is not the percentage which the members of the union receive above the average wages paid for labor throughout the cities and country, thus becoming a great part of the real "robber tariff" levied upon the masses of the people?"** These are questions for which blind denunciation will not be accepted as an answer.

I am stressing these points because there are millions of people in Georgia who are interested in the increase of the facilities for trade and travel. They are determined to do impartial justice, to exact equality of opportunity and to maintain equality of protection, and, when they are apprized of the truth, they will do these with intelligence and determination; and, in fact, their own interests, yea, their very necessities demand that they do them. Transportation is a public necessity. Without transportation, farm products must remain on the farm—the farmer can have Arcadian simplicity but not money—manufactured articles can be sold only in the town where the factory stands, and the labor problem will solve itself by there being no employment which yields wages.

But while the awakening knowledge of the public has in a measure checked the hostile administration of law against those citizens whose capital has provided the facilities for conducting the commerce of the people, yet, the hostility and exactions of unions of employees threaten to stay the further transportation development of the State. Capital, like water, moves in the path of least resistance. It shuns the sections and communities which lift hands against it. It does not have to come to Georgia. It will not come if faced by the barrier of discriminating stat-

utes; it will not come if assured that it has no protection against lynch law under the guise of strikes. Do you want an object lesson as to what hostile legislation and the undue exactions of labor, which are upheld by popular clamor, will do for a State? I point you to Iowa, which, formerly, one of the most progressive of American commonwealths, during the past census decade led practically all her sisters in the crusade against capital invested in transportation lines. Result, the census figures for 1910 show that her aggregate population in 1910 was absolutely less than in 1900!

It is high time, therefore, that we should have the courage to tell to politicians who exploit enticing fallacies and to labor which organizes aggressive unions against the owners of capital that if they kill the goose which lays the golden egg, the future to them will bring want instead of the wealth they are grasping for.

THE STRIKERS AND MOBS SUBJECT TO INDICTMENT.

Coming then to the concrete case in point, besides the requirements in its charter that the Georgia Railroad discharge the duties of a common carrier, there stands on the State's book of authority the following words of the law of general application to all railroads in Georgia:

"The Railroad Commission is authorized **TO REQUIRE ALL COMMON CARRIERS AND OTHER PUBLIC SERVICE COMPANIES UNDER THEIR SUPERVISION TO ESTABLISH AND MAINTAIN SUCH PUBLIC SERVICE AND FACILITIES AS MAY BE REASONABLE AND JUST . . .** and to require such publication by common carriers, in newspapers of towns through which their lines extend, of their schedules as may be reasonable and **WHICH THE PUBLIC CONVENIENCE DEMANDS.**"

"It (the Railroad Commission) shall have power and authority to order and **COMPEL THE OPERATION OF SUFFICIENT AND PROPER PASSENGER SERVICE WHEN IN ITS JUDGMENT INEFFICIENT OR INSUFFICIENT SERVICE IS BEING RENDERED THE PUBLIC OR ANY COMMUNITY.**"—Code of Georgia, Sections 2663-2664.

It is needless to say the publications of schedules were made which thus made the operation of the trains the mandate of the law. Any one, therefore, who by overt acts, or by intimidation, impeded or prevented their operation, put himself in rebellion to the law and is subject to indictment for that act of rebellion.

I am not responsible for the enactment of the law from which I have quoted, but I shall not evade the responsibility for enforcing it in the manner which the statutes have prescribed.

I have been warned that if I make these views public it means that my political future vanishes. If this is true, so be it. The State can do without Joe Brown as Governor, or in any other official capacity; but it cannot do without the enforcement of the law. Governors pass, but the law lives. And let me add that I want nothing which comes as the result of trifling with my oath of office or compromising the rights of the people. Those rights must be the supreme care of him upon whom they have bestowed the priceless treasure of their confidence.

It cannot be asserted that I am here making an attack upon labor or the laboring man. Farming is labor and the farmer is certainly a laboring man; so is the clerk in the store, so is the factory operative, so is the school teacher, so is every other one who earns his living by the work of his hands or brain; and every one of these in the section served by the Georgia Railroad was directly or indirectly damaged by the strike by the employees of this public service corporation.

NO MAN IS GREATER THAN THE LAW.

Now, understand me clearly, for not one word which I have spoken can by any legitimate construction have any meaning than this: I would not deny the union man a single right which the law accords to him; but, conversely, I would not accord to him a single right or privilege which the law denies to each other citizen. He is as good in the eyes of the law as is any other one; he is no better than any other. To settle differences irreconcilable between themselves all must sue and be sued, plead, and be impleaded, in the courts the people of the State have established. No man has the right to insist that his case be taken up out of its order, or be settled by methods in conflict with the interests of the public. **The State does not admit that any COMBINATION OF MEN shall force a change in the procedure she has fixed for each and all. She allows preference to none. she tolerates prejudice against none. All are on the same level in her forum.**

GOOD FAITH OF THE STATE INVOLVED.

Before leaving the consideration of this point, I will here, as I will later, assert that the good faith, or reciprocal obligation, of the State is involved in the protection of the common carriers she has chartered. She says to their owners and managers: In granting your charters, besides other privileges accorded to you and liabilities placed upon you. **I not only authorize, but I command you to operate these railroads that the convenience of the people be protected and their necessities be supplied."**

They say to her: "We have obeyed your mandates, in paying the taxes you have assessed against us, in charging no higher than the rates you have fixed for us; in keeping in operation, in some instances, trains on which our income does not meet expenses, and certain depots where we suffer from a like deficiency; in settling damage suits for injury to persons and property for the amounts fixed against us by your courts; and in other matters as exacted by you:—now we claim that, if the interest of the public and the obligation to obey your commands require us to run those trains, you are under reciprocal obligation to protect us in our acts of obedience to you. Every day that we are prevented by lawless persons from running our trains, not only is the public suffering serious inconvenience and loss, but we are losing thousands of dollars, and to that extent we are weakened in our power to pay your taxes and meet all the other obligations your laws place upon us. And bear in mind at all times that we, the stockholders of the railroads, are as much citizens as are those strikers, and that your Constitution requires that your protection to person and property be given equally to all."

THE RECKLESS INJUSTICE OF A STRIKE MAY PROVOKE A DESPERATE REPRISAL BY THE PEOPLE.

I will here state that these stockholders include upwards of two thousand Georgia women, more than eighty educational, religious and eleemosynary institutions, averaging probably more than two hundred patrons and beneficiaries to each, besides thousands of white voters. Are their rights to be disregarded? Are their numbers to be counted as naught? Are the unions of railroad trainmen, who furnish mainly labor, worth more to Georgia than are these people whose capital has furnished the masses of the State with the facilities of travel and commerce, and who, besides paying to the State more money for taxes than all their employees are paying, are paying the employees—those who have struck, and those who have not—millions of dollars in wages?

Ye farmers, merchants, manufacturers, and all other classes, who, besides shipping vast amounts of cotton, lumber, factory products, etc., import upwards of \$150,000,000 worth of food products alone, these questions are pregnant with vital importance to you. And, ye men of Atlanta, who listen to me, if these unions could have tied up the railroads I have named they could have tied up all the others entering your city. What would have been the result? Starvation for a great proportion of the 200,000 who inhabit your city, and its environs, if the strike were allowed to continue. What would have been the alternative result? I shudder to say! Men and women get desperate when they and their little ones are starving. One of their first questions is: "Who has caused it?" Then, they turn and rend those who are forcing them to starve. Each leader of these unions, yea, every member of these unions might soon have found his roof blazing above his head, with his family scorched by the flames, and, if he proved slow in his flight, the lamp posts may have told the story of a desperate people's wrath.

You may say this is the flight of a fevered fancy. So the King and nobles of France thought in 1789, when their policy brought from the squalid throngs the cry "Bread! Bread!" I warn you labor leaders, who, regardless of whether your word bring loss and woe to the masses, order your followers to paralyze the public's transportation powers, beware! Another strike and through the State will ring the question: "Why should we be the sufferers from the union's fight with its employers?" Another strike and the people will apply the law. They are long-suffering, but they are not so helpless as you have coaxed yourselves to believe they are. You have trifled twice with a sleeping lion. It were best for you that you awaken him not.

Such was the logic of the situation which the threatened strike on the other railroads presented on the evening to which I have referred. The trouble which has been caused by the substitution of the process of the unions, with its attendant mob violence, for the process of the State, which had already seriously affected the prosperity and rights of tens of thousands of unoffending citizens of Georgia, with the past acts and the present threat had been carried too far. We had reached the parting of the ways between impartial law and class brutality. Anarchy, following the word of the unions, whether by or without their consent, was now impending in scores of counties. The time had therefore come for the check rein of the law to be pulled.

WAS READY TO ACT.

That night I sat at my table in the Mansion till after midnight, writing a proclamation which would have been promulgated within six hours after the order for the extended strike, if the latter had been ordered.

In that proclamation I stated that those railroads had been chartered by the State of Georgia to be common carriers, that the operation of trains over those railroads was vitally necessary for the prosperity of a very large percentage of the people of Georgia and for the transportation of food for man and beast; that those railroads were not private enterprises but public utilities, and that the public had the right to enforce their operation. I added that there was no reason why the commerce of Georgia should be paralyzed at a time when the facilities provided for conducting such commerce are well nigh perfect, that it was preposterous to demand that many hundreds of thousands of law-abiding people should find their power to prosper brought to a stand-still by a dispute over the employment of two men; that **it was preposterous that that dispute over the employment of two men on the railroad running from Augusta to Atlanta should prevent all classes of people living on the lines of railroads running from the Tennessee line to the Atlantic Ocean from being able to travel or ship their property**, and this in the teeth of the fact that these two men and their associates were under the same bonds of the process of law in the settlement of differences as are all other citizens of Georgia.

WOULD HAVE HAD TRAINS RUN.

I therefore called upon all the judges of the Superior Courts of the State through whose circuits run all roads whose employees should participate in the strike to issue instructions to the sheriffs, deputy sheriffs and other proper administrative officers of the law to so protect the persons operating the trains on those railroads, and to so protect the rolling stock, freight and other property owned by said common carriers or in their custody for transportation that said common carriers could perform the functions for which they were chartered by the State of Georgia, and which the welfare of the people imperatively demands.

To the above end I urged that the sheriffs be ordered by the judges of the Superior Courts to swear in sufficient numbers of deputy sheriffs to protect the trains, and their crews, passengers and property at all terminal and way stations on said railroads and thereby prevent the conduct of the commerce and travel of the people of the State from being unlawfully impeded.

I added these words:

“The crisis which the so-called strike brings upon the people of this State is not only a menace to their power to procure the necessities of life, but is also a challenge to the very sovereignty of the State in that it arrogates to itself the power to prevent the railroads from performing the special functions for which the State granted their charters, viz., those of being the common carriers of persons and property.

“There is no power in Georgia greater than the power of the State herself, and that power holds mastery over and gives direction to every other power which she

allows within her borders. She is supreme in potential activities whenever she finds it needful to exert them; yet, to her mandates she links the reciprocal obligation to protect all who obey them. She has in her organic law promulgated the ideal axiom **'Protection to person and property is the paramount duty of government and shall be impartial and complete.'** "

POWERS OF JUDGES.

To the judges of the Superior Courts in the circuits affected by the so-styled strike, I say: **"You hold the power to protect the people in the use of the railroad in the transportation of themselves and their property.** The vast majority of the people in every judicial circuit in Georgia are law-abiding and, when properly summoned, law-protecting. If you require the sheriffs to do their sworn duties there need be no calls for the military. The civil and criminal laws of Georgia, if executed as it is intended they shall be, leave no room for the use of the military. With the sheriffs showing the alertness, the discretion, the firmness and the courage which their offices are intended to embody, they will find no occasion to call for the military. In every county these conservators of the peace should strive to prove to the world that the civil authority needs not be upheld on the points of bayonets.

"Yet, if unexpected conditions force you or the sheriffs or mayors or other officers named in the statute to call upon the Executive Office for the use of the military power of the government, I pledge you that I will obey the law which makes it my duty to send it to points to which it is called to protect life and property.

"The laws of Georgia are framed for her people's protection and power to prosper and must and shall be enforced without regard to person and without fear or favor."

Such was the substance of the proclamation as written. That the judges would have taken the proper steps to enforce the spirit of the laws regarding the duties of the common carriers I have not the slightest doubt.

GEORGIA WOULD HAVE SET A FAR-REACHING PRECEDENT.

I will here add the statement that a friend to whom I outlined the foregoing plan for handling the threatened situation said to me: **"You will doubtless be able to force the running of trains within the limits of this State, because public interest and the law are both on your side, but you must bear in mind that the L & N road runs through several states, and that if the strike is ordered on that road it will cover the entire system; hence it will help the general situation but moderately if trains on the L & N run only in Georgia."**

"You have undershot the mark," was my reply. **"It is true that the L & N starts in Cincinnati, on the rim of Ohio, and runs across or into the States of Kentucky, Tennessee, Georgia, Alabama, Mississippi, Louisiana, Florida, Indiana, Illinois, and Missouri. But, if the State of Georgia forces the L & N to comply with its charter requirements to serve the public by running trains within her borders, do you suppose either of the other states in question will stand before the world for as much**

two days in the attitude of admitting that she is helpless in the grasp of the mob, while Georgia is maintaining her sovereignty and the majesty of her laws? The example of Georgia will crush the strike in every State if the issue come on the extended scale you apprehend."

"Quite true," he observed, after a few moments of reflection. "No other State will humiliate herself by the confession that she is inferior to Georgia in sovereign power. Every other one will, if needs be, follow this State in putting down this rebellion against her authority."

WILL MEET THE ISSUE.

Now, I have confirmed the statement already made that I was prepared to meet the prospective challenge to the laws and power of this State, and I have done so that every one in Georgia may know that if such an emergency comes again during this administration the State will not await the slow process of arbitration, but will promptly meet the issue tendered her and enforce her laws.

No more must her commerce be paralyzed by agencies working outside of her prescribed process for their own ends. This has been done twice; but the public interest, public policy, and the State's regard for her own laws will enforce an immediate "Thou shalt not" if there be another attempt to "tie up" the people's transportation facilities to force a desired settlement between labor and capital. The State needs both; she will, so far as is just, protect both; yet she will, if needs be, curb both or either. It must be understood that she is supreme. Her process controls. No trade and no shade of lynch law will she tolerate.

THE REAL ISSUE IN THE RECENT STRIKE.

Now, in all that I have said, I have passed no judgment on the merits of the differences between the railroads and the employees. I say not which is wrong or which, if either, is right. Their differences do not constitute the real issue which has been the logical result of the recent happenings. That issue is found in the questions, "Shall the laws of Georgia be equally enforced, or shall one class of the people be permitted to ignore the courts and inflict, it may be, irreparable damage upon multitudes of others in its quarrel with its adversary while all other citizens must submit their contentions to the determinations of the courts of the State?" Or, in other words, "Are the laws of Georgia subordinate to combinations working for their selfish interests in such manner as inflicts injury on the general public?"

ELECTED TO ENFORCE LAWS.

Just here let me say that I know these utterances will not be popular with some classes of our fellow citizens with whom I have been for years on terms of cordial

friendship. But I was not elected by the people to so hedge my words and acts as to make a popular administration. I was elected to enforce the laws of Georgia impartially and firmly, even though by that enforcement I efface myself. The personal equation must be eliminated from the calculation.

The man in the Executive Office must not ask as to any official duty: "Is it popular?" but he must ask: "Is it the law?" If anything be put on a pedestal by him it must be **THE LAW**. He cannot conduct the State government in the columns of the newspapers; he must hold it in the channels prescribed by the Constitution. He cannot "run it" with the motive power of hysterics; he must use the agencies which count for peace and deliberation. And if there is any law the people don't want him to enforce they must keep that law off the statute book. And equally with the highest of all other obligations, he must not seek to purchase preferment in future by recreancy during the present.

ARBITRATION STATUTE NEEDED.

In closing this portion of my remarks, I must express the sincere hope that at the next meeting of the Legislature it will pass a law prescribing arbitration between labor and capital, and such others as may be deemed necessary for the public interest. **STRIKES WHICH DAMAGE THE INNOCENT PUBLIC SHOULD BE PREVENTED.** Labor should be protected in its rights and so should capital; and, with both, the interests of the general public should be safeguarded. Such an occurrence as the recent tie up of a common carrier should be made impossible by law. A lock out by the proprietors of an industrial enterprise or a tie up by its employees should be made equally impossible.

THE MILITARY ARM OF THE STATE.

And now, a few words concerning the military arm of the State government. That arm has been quite under the public gaze during the past few weeks, and that it has conducted itself firmly, discreetly and bravely no one aware of the facts can deny.

The affairs in Augusta were handled strictly within the law. I commend the military for the protection it gave there. As to the killing of three citizens, as deplorable as were their deaths, they were made necessary by the unlawful acts of the victims themselves. It is possible that they did not appreciate the gravity of the offense they were committing, but the military had no means of determining that fact.

The statute required that I declare the city under martial law after the mayor called for the troops. When this had been done the troops were in charge of the city; and Capt. Jowitt and his associates were in the full line of duty in firing when they were defied and positive attempts were made to treat the laws of the State with contempt.

ARE NOT "TIN SOLDIERS."

These killings, as greatly as all regret the necessity for them, established a status for the military which will save doubtless many lives in future; for all citizens now recognize that Georgia has no more "tin soldiers." Wherever they are sent in future they will carry with them the assurance to orderly people and warning to mobs that **Georgia will maintain her laws inflexibly and without regard to consequences to persons who would trample them under foot.**

The military is the last resort. Its duty does not begin until the power of the civil authority is exhausted. But when judges, sheriffs and mayors are found to be helpless against the lawless forces in any community, the military of Georgia can and will uphold the laws and maintain the majesty of the State.

THE LAW GOVERNING THE USE OF THE MILITARY.

The following is the Georgia law, which Governor Brown obeyed by enforcing it in the recent threatened outbreak in Cumming, and in meeting the combination to oppose the enforcement of the law by intimidation in Augusta during practically the same period:

"An Act to amend Code Section 1434, of Volume 2, Code of Georgia, 1910, providing **THE DUTY OF THE GOVERNOR** as to calling out the militia of the State in case of reasonable cause to apprehend the outbreak of any riot, rout, tumult, insurrection, mob, unlawful assembly, or combination to oppose the enforcement of the law by intimidation, force, or violence, which cannot be speedily suppressed or effectually prevented by the ordinary posse comitatus and peace officers.

"Section 1. Be it enacted by the General Assembly of the State of Georgia, and it is hereby enacted by authority of the same, that whenever any judge of the superior court, or a city court, county court, county sheriff, mayor of any incorporated city, town, or village, in this State, whose authority shall rank in the order named shall have reasonable cause to apprehend the outbreak of any riot, rout, tumult, insurrection, mob, unlawful assembly, or combination to oppose the enforcement of the law by intimidation, force, or violence, within the jurisdiction of which such officer is by law a conservator of the peace, which cannot be speedily suppressed or effectually prevented by the ordinary posse comitatus and peace officers, **IT SHALL FORTHWITH BECOME THE DUTY OF THE JUDGE, SHERIFF, OR MAYOR** to report the facts and circumstances to the Governor and to request him to order out such portion of the militia of the State as may be necessary to preserve the peace, and **IT THEREUPON SHALL BE THE DUTY OF THE GOVERNOR**, if he deems such apprehension well founded, to order out, or direct to be held in readiness, such portion of the militia of the State as he may deem advisable for the enforcement of the law; and when the Governor orders out troops, as herein provided, he shall thereupon by proclamation declare a state of insurrection in the locality in which the disorder is located; and if the Governor deems it advisable he may specially instruct the officer in command of such troops as to duties required of them, and to direct their execution under the immediate control of the Governor.

"Section 2. That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed."

As it has been publicly stated that this law was slipped into the statute book without the knowledge of the people, the following official record of its introduction during Governor Smith's administration and its final passage during Governor Brown's administration will show that the people, through their representatives and senators in the Legislature, had almost thirteen months of consideration of this law; and that it was passed unanimously in the Senate and almost unanimously in the House of Representatives.

IN THE SENATE—

Read 1st time July 18, 1911.
Read 2nd time July 31, 1911.
Read 3rd time Aug. 1, 1911.
Passed, Ayes 37, Nays 0.

C. S. NORTHEN,
Secretary of Senate.

IN THE HOUSE—

Read 1st time Aug. 4, 1911.
Read 2nd time Aug. 10, 1911.
Read 3rd time Aug. 13, 1912.
Passed, Ayes 116, Nays 9.

JOHN T. BOIFEUILLET,
Clerk of House.